



# *The Journal* OF THE *House of Representatives*

Number 12

Friday, February 3, 2012

## Introduction and Reference

By Representative **Schenck**—

**HB 1513**—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; repealing chapters 2010-264 and 2009-261, Laws of Florida; abolishing the district; transferring all assets and liabilities of the district to Hernando County; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Economic Affairs Committee.

By the Health & Human Services Quality Subcommittee; Representative **Wood**—

**HB 7091**—A bill to be entitled An act relating to health care coverage mandates; amending s. 627.419, F.S.; deleting provisions providing that certain health insurance policies, health care services plans, or other contracts be construed to require payment to podiatrists and chiropractors for services within their scope of practice; repealing s. 627.4236, F.S., relating to required coverage for bone marrow transplant procedures under certain circumstances; repealing s. 627.6403, F.S., relating to payment of acupuncture benefits to certified acupuncturists; repealing s. 627.6407, F.S.; deleting a requirement that health insurance policies that cover massage must also cover the services of a person licensed to practice massage pursuant to ch. 480, F.S., under certain circumstances; amending ss. 627.6471 and 627.6472, F.S.; conforming cross-references to changes made by the act; deleting provisions relating to mandated eligibility for participation in provider networks by therapists, counselors, psychologists, and certain psychiatric nurses; repealing s. 627.6617, F.S., relating to required coverage for home health care services under certain circumstances; repealing s. 627.6618, F.S., relating to coverage by group health insurance policies for acupuncture benefits and payment to certified acupuncturists; repealing s. 627.6619, F.S.; deleting a requirement that health insurance policies covering massage also cover the services of a person licensed to practice massage under certain circumstances; repealing s. 627.668, F.S., relating to requirements that optional coverage for mental and nervous disorders be made available under certain circumstances; repealing s. 627.6686, F.S., relating to required coverage for individuals with autism spectrum disorder under certain circumstances; repealing s. 627.66911, F.S., relating to required coverage for cleft lip and cleft palate treatment under certain circumstance; amending s. 641.31, F.S.; deleting provisions relating to payment for treatment at an osteopathic hospital under certain circumstances, required coverage for cleft lip and cleft palate treatment, and payment for services provided by a massage therapist; amending ss. 383.145, 409.815, 409.906, 624.916, 627.401,

627.6515, 627.6675, 627.6699, 641.2018, 641.31098, and 1002.66, F.S.; conforming cross-references to changes made by the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health & Human Services Committee; Representative **Harrell**—

**HB 7093**—A bill to be entitled An act relating to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with the coalition for specified purposes; amending s. 39.904, F.S.; requiring the coalition rather than the department to provide a specified annual report; providing for department approval of the report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition rather than the department to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; revising the demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a domestic violence center's annual certificate; conforming provisions to changes made by the act; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting a provision establishing the Office for Certification and Monitoring of Batterers' Intervention Programs; amending s. 741.325, F.S.; revising the guidelines for batterers' intervention programs; repealing s. 741.327, F.S., relating to certification and monitoring of batterers' intervention programs; amending ss. 938.01 and 948.038, F.S.; conforming provisions to changes made by the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; Representative **Snyder**—

**HB 7095**—A bill to be entitled An act relating to clerks of court; amending s. 24.115, F.S.; requiring the Department of the Lottery to use the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptroller, Inc., to determine whether a prize winner owes outstanding fines, fees, or court costs to the state before it may pay certain prizes; amending s. 27.52, F.S.; authorizing the clerk of court to review the property records and motor vehicle records to determine whether an applicant for the appointment of a public defender is indigent; deleting a requirement that the clerk conduct the review; amending s. 28.24, F.S.; deleting a requirement for the clerks of the circuit courts to participate in the Comprehensive Case Information System; creating s. 28.2405, F.S.; requiring clerks of the circuit courts to use the Comprehensive Case Information System

and to submit data to the system based on case types designated by the Supreme Court of Florida; amending s. 28.241, F.S.; providing that filing fees and fees to reopen a proceeding are due at the time a party files a pleading to initiate or reopen a proceeding; requiring the clerk of court to pursue the collection of fees that are not timely paid; revising the circumstances under which a fee to reopen a case applies; exempting a person from paying a reopen fee for filing a motion to enforce a stipulation or a motion for contempt; authorizing the clerk of court to charge a fee to issue an electronic certified copy of a summons; amending s. 34.041, F.S.; requiring the party filing a case in county court to pay all filing and reopen fees at the time of filing; requiring the clerk to pursue collection of the fees if the fees are not paid at the time of filing; authorizing the clerk of court to charge a fee for issuing an electronic certified copy of a summons; revising the circumstances under which a fee to reopen a case applies; exempting a party from paying a reopen fee for filing motions to enforce stipulations and motions for contempt; amending s. 45.035, F.S.; requiring a plaintiff to pay a rescheduling fee to the clerk on each occasion a sale of real or personal property under an order or judgment is rescheduled; requiring the rescheduling fee to be assessed as costs; requiring the plaintiff to pay the rescheduling fee to the court before the sale; amending s. 57.081, F.S.; providing that a person who receives a certification of indigence with respect to a proceeding is not required to pay charges to issue a summons; amending s. 95.11, F.S.; providing that an action to collect any court costs, fees, or fines owed to the state may be commenced at any time; amending s. 112.3173, F.S.; providing for the duty of a clerk of court to notify the Commission on Ethics of certain proceedings involving public officers or employees to arise after the clerk is advised by the state attorney that the defendant is a public officer or employee who is alleged to have committed a specified offense; amending s. 318.18, F.S.; requiring that the signature of the person designated to represent a community service agency be notarized on letterhead that indicates the number of hours of community service completed and the date the community service hours were completed by a person who is ordered to perform community service as a penalty for specified offenses; amending s. 668.50, F.S.; limiting the exemption from the Uniform Electronic Transaction Act for transactions governed by rules relating to judicial procedure; amending s. 733.707, F.S.; specifying the priority of payment of unpaid court costs, fees, or fines by a decedent's estate; amending s. 893.11, F.S.; deleting a requirement that a clerk of court send criminal conviction information to the state agency that has issued a business or professional license to a person who is convicted of certain types of criminal offenses; requiring state agencies that issue business or professional licenses to use the Comprehensive Case Information System to obtain information relating to criminal convictions of licensees; requiring the clerk of court to provide certified copies of judgments to licensing agencies upon request; defining the term "business or professional license"; amending s. 938.27, F.S.; authorizing a court to require a defendant to pay the costs of prosecution and investigation pursuant to a payment plan under a specified provision; amending s. 938.30, F.S.; providing that criminal or civil judgment and related costs are a civil lien against the judgment debtor's presently owned or after-acquired real or personal property if the judgment is recorded; providing an exception to rerecording requirements; requiring that the clerk of court enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or lien imposed and collected in the same manner as for an indigent defendant-recipient; amending s. 947.181, F.S.; providing that the Parole Commission require as a condition of parole the payment of fines, fees, or other court-ordered costs under certain circumstances; providing that restitution ordered as a condition of parole has first priority over the payment of other costs ordered as a condition of parole; requiring that the commission state on record the reasons for not requiring the full payment of the fines, fees, or other court-ordered costs; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **A. Williams**—

**HR 9045**—A resolution honoring Tavoris Cloud, the International Boxing Federation Light Heavyweight Champion.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Baxley**—

**HR 9047**—A resolution designating May 2012 as "Skin Cancer Awareness Month" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **McKeel**—

**HR 9049**—A resolution recognizing the University of Florida Men's Track and Field Team for winning the 2011 Division I Men's Indoor Track and Field Team National Collegiate Athletic Association Championship.

First reading by publication (Art. III, s. 7, Florida Constitution).

## First Reading of Committee and Subcommittee Substitutes by Publication

By the Economic Affairs Committee; Finance & Tax Committee; and Community & Military Affairs Subcommittee; Representatives **Caldwell, Campbell, Costello, Pafford, and T. Williams**—

**CS/CS/CS/HB 107**—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; revising provisions relating to merger and dissolution procedures for special districts; providing definitions; requiring the merger or dissolution of dependent special districts created by a special act to be effectuated by the Legislature; providing for the merger or dissolution of inactive special districts by special act without referendum; providing dissolution procedures for active independent special districts by special acts and referendum; providing for the dissolution of inactive independent special districts by special act; providing for local governments to assume indebtedness of, and receive title to property owned by, special districts under certain circumstances; providing for the merger of certain independent special districts by the Legislature; providing procedures and requirements for the voluntary merger of contiguous independent special districts; limiting the authority of the merged district to levy and collect revenue until a unified charter is approved by the Legislature; providing for the effect of the merger on employees, legal liabilities, obligations, proceedings, annexation, and millage calculations; providing for the determination of certain rights by the governing body of the merged district; providing that such provisions preempt certain special acts; providing procedures and requirements for the involuntary merger of independent special districts; providing exemptions from merger and dissolution procedures; amending s. 191.014, F.S.; deleting a provision relating to the conditions under which the merger of independent special districts or dependent fire control districts with other special districts is effective and the conditions under which a merged district is authorized to increase ad valorem taxes; amending s. 189.4044, F.S.; revising criteria by which special districts are declared inactive by a governing body; authorizing such districts to be dissolved without a referendum; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health & Human Services Committee; Representatives **Perry, Harrell, and Porter**—

**CS/HB 241**—A bill to be entitled An act relating to emergency medical services; amending s. 381.0034, F.S.; deleting the requirement for emergency medical technicians, paramedics, and 911 public safety telecommunicators to complete an educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome;

amending s. 401.23, F.S.; redefining the term "basic life support" for purposes of the Raymond H. Alexander, M.D., Emergency Medical Transportation Services Act; amending s. 401.24, F.S.; revising the period for review of the comprehensive state plan for emergency medical services and programs; amending s. 401.27, F.S.; revising the requirements for certification or recertification as an emergency medical technician or paramedic; revising the requirements for certification for an out-of-state trained emergency medical technician or paramedic; amending s. 401.2701, F.S.; revising requirements for an institution that conducts an approved program for the education of emergency medical technicians and paramedics; revising the requirements that students must meet in order to receive a certificate of completion from an approved program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Business & Consumer Affairs Subcommittee; and Civil Justice Subcommittee; Representatives **Moraitis, Costello, and Hooper**—

**CS/CS/HB 319**—A bill to be entitled An act relating to residential properties; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; amending s. 468.433, F.S.; prohibiting the Department of Business and Professional Regulation from publishing a community association manager's personal home address unless it is for the purpose of satisfying a public records request; amending s. 718.112, F.S.; revising provisions relating to the terms of condominium board of administration members; revising condominium unit owner meeting notice requirements; providing application of certain provisions relating to elections; revising recordkeeping requirements of a condominium association board; requiring challenges to an election to commence within a certain time period; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the division regarding recall petitions; amending s. 718.113, F.S.; providing requirements for a condominium association board relating to the installation of hurricane shutters, impact glass, code-compliant windows or doors, and other types of code-compliant hurricane protection under certain circumstances; amending s. 718.115, F.S.; conforming provisions to changes made by the act; amending s. 718.116, F.S.; revising liability of certain condominium unit owners acquiring title; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent condominium unit owner or member; revising voting requirements under certain conditions; amending s. 718.403, F.S.; providing requirements for the completion of phase condominiums; creating s. 718.406, F.S.; providing definitions; providing requirements for condominiums created within condominium parcels; providing for the establishment of primary condominium and secondary condominium units; providing requirements for association declarations; authorizing a primary condominium association to provide insurance and adopt hurricane shutter or hurricane protection specifications under certain conditions; providing requirements relating to assessments; providing for resolution of conflicts between primary condominium declarations and secondary condominium declarations; providing requirements relating to common expenses due the primary condominium association; amending s. 718.5011, F.S.; revising the restriction on officers and full-time employees of the ombudsman from engaging in other businesses or professions; amending s. 718.707, F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.104, F.S.; specifying additional records that are not accessible to unit owners; amending s. 719.1055, F.S.; revising provisions relating to the amendment of cooperative documents; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 719.106, F.S.; revising applicability of certain board of administration meeting requirements; requiring challenges to an election to commence within a certain time period; providing requirements for challenging the failure of a board to duly notice and hold the required

board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the division regarding recall petitions; amending s. 719.108, F.S.; revising language with respect to assessments and liens; revising liability of unit owners; providing liability limitations of a first mortgagee or its successor or assignees who acquire title to a unit by foreclosure; providing requirements for persons acquiring title; authorizing the association to record a claim of lien under certain conditions; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent cooperative unit owner or member; revising voting requirements under certain conditions; amending s. 720.303, F.S.; revising the types of records that are not accessible to homeowners' association members and parcel owners; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the division regarding recall petitions; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent homeowners' association member and parcel owner; revising voting requirements under certain conditions; amending s. 720.306, F.S.; revising provisions relating to the amendment of homeowners' association declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice to mortgagees regarding proposed amendments; providing criteria for notification; providing for voiding certain amendments; revising provisions relating to right to speak at a homeowners' association meeting; requiring challenges to an election to commence within a certain time period; amending s. 720.3085, F.S.; revising liability of certain parcel owners acquiring title; requiring a person acquiring title to pay certain amounts due within a certain time period; amending s. 721.16, F.S.; conforming a cross-reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Rulemaking & Regulation Subcommittee; and Agriculture & Natural Resources Subcommittee; Representatives **Patronis, Mayfield, Oliva, and T. Williams**—

**CS/CS/CS/HB 503**—A bill to be entitled An act relating to environmental regulation; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a county to attach certain disclaimers to the issuance of a development permit; amending s. 161.041, F.S.; providing conditions under which the department is authorized to issue such permits in advance of the issuance of incidental take authorizations as provided under the Endangered Species Act; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a municipality to attach certain disclaimers to the issuance of a development permit; amending s. 218.075, F.S.; providing for the reduction or waiver of permit processing fees relating to projects that serve a public purpose for certain entities created by special act, local ordinance, or interlocal agreement; amending s. 258.397, F.S.; providing an exemption from a showing of extreme hardship relating to the sale, transfer, or lease of sovereignty submerged lands in the Biscayne Bay Aquatic Preserve for certain municipal applicants; amending s. 373.026, F.S.; requiring the department to expand its use of Internet-based self-certification services for exemptions and permits issued by the department and water management districts; amending s. 373.326, F.S.; exempting certain underground injection control wells from permitting requirements under part III of chapter 373, F.S., relating to regulation of wells; providing a requirement for the construction of such wells; amending s. 373.4141, F.S.; reducing the time within which a permit must be approved, denied, or subject to notice of proposed agency action; prohibiting a state agency or an agency of the state from requiring additional permits or approval from a local, state, or federal agency without

explicit authority; amending s. 373.4144, F.S.; providing legislative intent with respect to the coordination of regulatory duties among specified state and federal agencies; encouraging expanded use of the state programmatic general permit or regional general permits; providing for a voluntary state programmatic general permit for certain dredge and fill activities; amending s. 376.3071, F.S.; increasing the priority ranking score for participation in the low-scored site initiative; exempting program deductibles, copayments, and certain assessment report requirements from expenditures under the low-scored site initiative; amending s. 376.30715, F.S.; providing that the transfer of a contaminated site from an owner to a child of the owner or corporate entity does not disqualify the site from the innocent victim petroleum storage system restoration financial assistance program; authorizing certain applicants to reapply for financial assistance; amending s. 380.0657, F.S.; authorizing expedited permitting for certain intermodal logistics centers; amending s. 403.061, F.S.; authorizing zones of discharges to groundwater for specified installations; providing for modification of such zones of discharge; providing that exceedance of certain groundwater standards does not create liability for site cleanup; providing that exceedance of soil cleanup target levels is not a basis for enforcement or cleanup; amending s. 403.087, F.S.; revising conditions under which the department is authorized to revoke permits for sources of air and water pollution; amending s. 403.1838, F.S.; revising the definition of the term "financially disadvantaged small community" for the purposes of the Small Community Sewer Construction Assistance Act; amending s. 403.7045, F.S.; providing conditions under which sludge from an industrial waste treatment works is not solid waste; amending s. 403.706, F.S.; reducing the amount of recycled materials certain counties are required to apply toward state recycling goals; providing that certain renewable energy byproducts count toward state recycling goals; amending s. 403.707, F.S.; providing for waste-to-energy facilities to maximize acceptance and processing of nonhazardous solid and liquid waste; exempting the disposal of solid waste monitored by certain groundwater monitoring plans from specific authorization; specifying a permit term for solid waste management facilities designed with leachate control systems that meet department requirements; requiring permit fees to be adjusted; providing applicability; specifying a permit term for solid waste management facilities that do not have leachate control systems meeting department requirements under certain conditions; authorizing the department to adopt rules; providing that the department is not required to submit the rules to the Environmental Regulation Commission for approval; requiring permit fee caps to be prorated; amending s. 403.7125, F.S.; requiring the department to require by rule that owners or operators of solid waste management facilities receiving waste after October 9, 1993, provide financial assurance for the cost of completing certain corrective actions; amending s. 403.814, F.S.; providing for issuance of general permits for the construction, alteration, and maintenance of certain surface water management systems without the action of the department or a water management district; specifying conditions for the general permits; amending s. 403.853, F.S.; providing for the department, or a local county health department designated by the department, to perform sanitary surveys for certain transient noncommunity water systems; amending s. 403.973, F.S.; authorizing expedited permitting for certain commercial or industrial development projects that individually or collectively will create a minimum number of jobs; providing for a project-specific memorandum of agreement to apply to a project subject to expedited permitting; clarifying the authority of the department to enter final orders for the issuance of certain licenses; revising criteria for the review of certain sites; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; authorizing the sale of unblended gasoline for certain uses; providing that holders of valid permits or other authorizations are not required to make payments to authorizing agencies for use of certain extensions granted under chapter 2011-139, Laws of Florida; providing retroactive applicability and effect; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Government Operations Subcommittee; Representatives **Workman, Abruzzo, Artiles, Caldwell, Corcoran, Diaz, Pilon, and Steube**—

**CS/HB 525**—A bill to be entitled An act relating to state retirement; amending s. 121.021, F.S.; revising definitions of the terms "normal retirement date" and "vested" or "vesting"; amending s. 121.055, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; authorizing certain distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; amending s. 121.091, F.S.; revising provisions related to the early retirement benefit calculation to conform to changes made by the act; revising provisions related to the disability retirement benefit calculation to conform to changes made by the act; amending s. 121.35, F.S.; providing that a benefit for the purposes of the optional retirement program for the State University System includes a certain distribution; clarifying provisions related to the prohibition of hardship loans or payments; clarifying when voluntary contributions may be paid out; authorizing certain distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; amending s. 121.4501, F.S.; revising the definition of the term "member" or "employee"; requiring new employees to, by default, be enrolled in the investment plan; authorizing new employees to elect to participate in the pension plan or the investment plan within a specified time; revising the benefit commencement age and years of service to conform to changes made by the act; conforming cross-references; amending s. 121.591, F.S.; revising provisions related to the disability retirement benefit calculation to conform to changes made by the act; amending s. 1012.875, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; authorizing certain distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the boards of trustees for colleges; providing for contribution rate adjustments to fund benefit changes provided in this act; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing a declaration of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Business & Consumer Affairs Subcommittee; Representative **Horner**—

**CS/HB 615**—A bill to be entitled An act relating to the sale of tobacco products; amending s. 210.01, F.S.; revising the definition of the term "manufacturer" to include persons that provide for the use or lease of cigarette manufacturing machines at retail establishments; amending s. 210.16, F.S.; authorizing credit for the sale of tobacco products to be extended to a retail dealer under specified conditions; providing for the suspension of the sale of tobacco products to retail dealers delinquent in their credit payments; amending s. 210.181, F.S.; conforming a cross-reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation & Highway Safety Subcommittee; Representatives **Baxley and Harrell**—

**CS/HB 681**—A bill to be entitled An act relating to interlock ignition devices ordered for probation for DUI; amending s. 316.193, F.S.; requiring that the court, as a condition of probation for a conviction of the offense of driving under the influence, impound or immobilize the vehicle that was operated by or was in the actual control of the defendant or require the defendant to install an interlock ignition device on all vehicles that are

individually or jointly leased or owned and routinely operated by the defendant; prohibiting the installation of an ignition interlock device from occurring concurrently with the incarceration of the defendant; providing an exception from a requirement that the installation of an ignition interlock device occur concurrently with the driver license revocation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Affairs Committee; and Business & Consumer Affairs Subcommittee; Representatives **Ford, Bileca, Campbell, Gonzalez, and Van Zant**—

**CS/CS/HB 769**—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; revising and updating education and work experience requirements for applicants for licensure as a certified public accountant; revising provisions governing licensure by endorsement; amending s. 473.313, F.S.; revising requirements for reactivation of an inactive license as a certified public accountant; requiring the Board of Accountancy to conduct a study to assess the privatization of the Division of Certified Public Accounting; providing a deadline for completion of the study; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the K-20 Innovation Subcommittee; Representative **Adkins**—

**CS/HB 903**—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; requiring a sponsor to not renew or terminate the charter of certain low-performing charter schools; requiring charter schools to maintain an Internet website that enables the public to obtain information regarding the school, its personnel, and its programs; requiring that information regarding any entity that owns, operates, or manages the school be posted on the website; requiring that federal education funding be paid directly to a charter school unless otherwise mutually agreed to by the charter school and sponsor; amending s. 1002.331, F.S., relating to high-performing charter schools; requiring the Commissioner of Education to annually review a high-performing charter school's eligibility for high-performing status; requiring declassification of high-performing charter schools that fail to maintain eligibility; amending s. 1002.332, F.S., relating to high-performing charter school systems; requiring the commissioner to annually review a high-performing charter school system's eligibility for high-performing status; requiring declassification of high-performing charter school systems that fail to maintain eligibility; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Business & Consumer Affairs Subcommittee; and Civil Justice Subcommittee; Representative **Gaetz**—

**CS/CS/HB 929**—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.975, F.S.; conforming provisions; creating s. 501.98, F.S.; requiring a claimant to provide written notice to the motor vehicle dealer as a condition precedent to initiating civil litigation or arbitration against such dealer under the Florida Deceptive and Unfair Trade Practices Act; providing for the content of the notice; providing method of delivery of the notice; providing conditions for settling claims; providing for the effective date of payment; limiting attorney fees under certain circumstances; providing for effect of payment; providing for the tolling of applicable statutes of limitations; providing a condition that constitutes waiver of notice; providing for applicability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Finance & Tax Committee; Representative **Eisnaugle**—

**CS/HB 1005**—A bill to be entitled An act relating to tangible personal property taxation; amending s. 196.183, F.S.; waiving the requirement to file an annual tangible personal property tax return for certain taxpayers who own taxable property the taxable value of which does not exceed a specified amount; providing conditions and requirements for qualifying for such waiver; providing application; providing an appropriation; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Finance & Tax Committee; Representative **Brodeur**—

**CS/HB 1291**—A bill to be entitled An act relating to an additional homestead exemption; amending s. 196.031, F.S.; providing an additional homestead exemption to be calculated in a specified manner for all levies other than school district levies; providing for retroactive application under certain circumstances; providing an appropriation; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the K-20 Competitiveness Subcommittee; Representative **Stargel**—

**CS/HB 1403**—A bill to be entitled An act relating to high school athletics; amending s. 1002.20, F.S.; conforming provisions; amending s. 1006.15, F.S.; authorizing students attending certain private schools to participate in public school athletic programs if the private school does not offer a specific sport; requiring certain private schools that have students participating in public school athletic programs to make all student records available upon request; increasing the private school enrollment limitation for participation in public school athletic programs; amending s. 1006.20, F.S.; authorizing high schools, including charter schools, virtual schools, and home education cooperatives, to become members of the Florida High School Athletic Association (FHSAA); requiring the FHSAA to adopt bylaws to allow a student who obtains an approved transfer from the district school board to participate in athletics; authorizing certain penalties for a recruiting violation by a private school; requiring the FHSAA to adopt bylaws to regulate investigators and sanction coaches who commit major violations; specifying sanctions and procedures; requiring an expedited appeals process; amending s. 1012.468, F.S.; providing background screening exceptions for certain investigators for the FHSAA; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health & Human Services Quality Subcommittee; Representative **Brodeur**—

**CS/HB 1419**—A bill to be entitled An act relating to health care facilities; amending s. 83.42, F.S., relating to exclusions from part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act; clarifying that the procedures in s. 400.0255, F.S., for transfers and discharges are exclusive to residents of a nursing home licensed under part II of ch. 400, F.S.; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting a provision regarding retroactivity of the act; deleting a provision that the act does not abrogate the right of an employer under state law to conduct drug test before a specified date; deleting a provision that requires a laboratory to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; amending s. 381.21, F.S.; providing that a portion of the additional fines assessed for traffic violations within an enhanced penalty zone be remitted to the Department of Revenue and deposited into the Brain and Spinal Cord Injury Trust Fund of the Department of Health to serve certain Medicaid recipients; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; creating s. 385.2031, F.S.; designating the

Florida Hospital/Sandford-Burnham Translational Research Institute for Metabolism and Diabetes as a resource for research in the prevention and treatment of diabetes; amending s. 394.4787, F.S.; conforming a cross-reference; amending s. 395.002, F.S.; revising and deleting definitions applicable to the regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; providing for certain specialty-licensed children's hospitals to provide specified obstetrical services; amending s. 395.0161, F.S.; deleting a requirement that facilities licensed under part I of ch. 395, F.S., pay licensing fees at the time of inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; authorizing the Agency for Health Care Administration to impose a fine for failure to comply with housekeeping and sanitation procedures requirements; requiring that licensed facility beds conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.3025, F.S.; authorizing the disclosure of patient records to the Department of Health rather than the Agency for Health Care Administration in accordance with an issued subpoena; requiring the department, rather than the agency, to make available, upon written request by a practitioner against whom probable cause has been found, any patient records that form the basis of the determination of probable cause; amending s. 395.3036, F.S.; correcting a cross-reference; repealing s. 395.3037, F.S., relating to redundant definitions for the Department of Health and the Agency for Health Care Administration; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definitions of the terms "geriatric outpatient clinic" and "resident care plan"; amending s. 400.0234, F.S., relating to medical records; conforming provisions to changes made by the act; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision governing moneys received for the care of residents in a nursing home facility; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of the controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring that the release of a resident to caregivers be designated in writing; providing an exemption to the application of rules for discharge planning; providing for residents' rights; providing for the use of personal medications; providing for terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine for failing to comply with an admissions moratorium; deleting a requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings, to conform to changes made by the act; authorizing a facility to charge a fee to copy a resident's records; amending s. 400.142, F.S., relating to orders not to resuscitate; deleting provisions relating to agency adoption of rules; repealing

s. 400.145, F.S., relating to requirements for furnishing the records of residents in a licensed nursing home to certain specified parties; amending s. 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; amending s. 400.19, F.S.; revising inspection requirements for nursing homes; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; deleting a requirement that the rules for minimum standards of care for persons under 21 years of age include a certain methodology; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; redefining the term "remuneration" for purposes of the Home Health Services Act; amending s. 400.484, F.S.; revising the classification of violations by a home health agency for which the agency imposes an administrative fine; amending s. 400.506, F.S.; authorizing an administrator to manage up to five nurse registries under certain circumstances; requiring an administrator to designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence; amending s. 400.509, F.S.; providing that organizations that provide companion services only to persons with developmental disabilities, under contract with the Agency for Persons with Disabilities, are exempt from registration with the Agency for Health Care Administration; reenacting ss. 400.464(5)(b) and 400.506(6)(a), F.S., relating to home health agencies and licensure of nurse registries, respectively, to incorporate the amendment made to s. 400.509, F.S., in references thereto; amending s. 400.601, F.S.; revising the definition of the term "hospice" to include limited liability companies; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; requiring each applicant for initial licensure, change of ownership, or license renewal to operate a licensed home medical equipment provider at a location outside the state to submit documentation of accreditation, or an application for accreditation, from an accrediting organization that is recognized by the Agency for Health Care Administration; requiring an applicant that has applied for accreditation to provide proof of accreditation within a specified time; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.967, F.S.; revising the classification of violations by intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; revising requirements for an application for exemption from health care clinic licensure requirements for certain entities; providing for the agency to deny or revoke the exemption under certain circumstances; including health services provided to multiple locations within the definition of the term "portable health service or equipment provider"; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; providing that fees assessed on selected health care facilities and organizations may be collected prospectively at the time of licensure renewal and prorated for the licensing period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.037, F.S.; revising requirements for the financial information to be included in an application for a certificate of need; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising data reporting requirements for health care facilities; amending s. 408.07, F.S.; deleting a cross-reference; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.7056, F.S.; providing that, as of a specified date, the Subscriber Assistance Program applies only to plans that meet federal requirements for the preservation of the right to maintain existing health plan

coverage; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; revising the requirements for becoming licensed as a home health agency, home medical equipment provider, or health care clinic; amending s. 408.809, F.S.; revising provisions to include a schedule for background rescreenings of certain employees; amending s. 408.810, F.S.; requiring that the controlling interest of a health care licensee notify the agency of certain court proceedings; providing a penalty; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 409.91195, F.S.; revising the composition of the Medicaid Pharmaceutical and Therapeutics Committee; revising provisions relating to public testimony; providing for committee members to be notified in writing if the agency reverses their recommendation regarding preferred drugs; amending s. 409.912, F.S.; revising provisions requiring the agency to post certain information relating to drugs subject to prior authorization on its Internet website; providing a definition of the term "step edit"; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.294, F.S.; deleting a cross-reference; amending s. 429.71, F.S.; revising the classification of violations by adult family-care homes; amending s. 429.195, F.S.; providing exceptions to applicability of assisted living facility rebate restrictions; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending ss. 430.80 and 430.81, F.S.; conforming cross-references; repealing s. 440.102(9)(d), F.S., relating to a laboratory's requirement to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; amending s. 483.035, F.S.; providing for a clinical laboratory to be operated by certain nurses; amending s. 483.051, F.S.; requiring the Agency for Health Care Administration to provide for biennial licensure of all nonwaived laboratories that meet certain requirements; requiring the agency to prescribe qualifications for such licensure; defining nonwaived laboratories as laboratories that do not have a certificate of waiver from the Centers for Medicare and Medicaid Services; deleting requirements for the registration of an alternate site testing location when the clinical laboratory applies to renew its license; amending s. 483.245, F.S.; prohibiting a clinical laboratory from placing a specimen collector or other personnel in any physician's office, unless the clinical lab and the physician's office are owned and operated by the same entity; providing for damages and injunctive relief; amending s. 483.294, F.S.; revising the frequency of agency inspections of multiphasic health testing centers; amending s. 651.118, F.S.; conforming a cross-reference; amending s. 817.505, F.S.; providing an exception to provisions prohibiting patient brokering; providing a directive to the Division of Statutory Revision; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**CS/HB 1357**—Referred to the Education Committee.

## First-named Sponsors

HB 649—A. Williams

## Cosponsors

CS/HJR 93—Smith

CS/HB 95—Smith

HB 317—Bileca, Coley, Davis, Metz, Smith, G. Thompson

CS/HB 365—Ford

CS/HB 367—Rouson

CS/HB 517—Ahern

HB 597—Ford

HJR 931—A. Williams

HB 959—Trujillo

HB 1061—Albritton

HB 1083—Waldman

CS/HB 1099—Julien

HB 1209—Campbell, McBurney

HR 1447—Baxley, Hager, Porth, Van Zant, A. Williams

CS/HB 7027—Campbell

HB 7049—Harrell

## Reports of Standing Committees and Subcommittees

### Received February 3:

The Economic Affairs Committee reported the following favorably:  
CS/CS/HB 107 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/CS/HB 107 was laid on the table.

The Health & Human Services Committee reported the following favorably:  
HB 241 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 241 was laid on the table.

The Business & Consumer Affairs Subcommittee reported the following favorably:  
CS/HB 319 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 319 was laid on the table.

The Rulemaking & Regulation Subcommittee reported the following favorably:  
HB 347

The above bill was transmitted to the next committee or subcommittee of reference, the Higher Education Appropriations Subcommittee.

The Rulemaking & Regulation Subcommittee reported the following favorably:  
CS/HB 355

The above committee substitute was transmitted to the next committee or subcommittee of reference, the State Affairs Committee.

The State Affairs Committee reported the following favorably:  
CS/CS/CS/HB 503 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/CS/CS/HB 503 was laid on the table.

The Government Operations Subcommittee reported the following favorably:  
HB 525 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 525 was laid on the table.

The Rulemaking & Regulation Subcommittee reported the following favorably:  
CS/HB 529

The above committee substitute was transmitted to the next committee or subcommittee of reference, the Health & Human Services Committee.

The Business & Consumer Affairs Subcommittee reported the following favorably:  
HB 615 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 615 was laid on the table.

The Rulemaking & Regulation Subcommittee reported the following favorably:  
CS/HB 643

The above committee substitute was transmitted to the next committee or subcommittee of reference, the Economic Affairs Committee.

The Transportation & Highway Safety Subcommittee reported the following favorably:  
HB 681 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 681 was laid on the table.

The Economic Affairs Committee reported the following favorably:  
CS/HB 769 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 769 was laid on the table.

The K-20 Innovation Subcommittee reported the following favorably:  
HB 903 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 903 was laid on the table.

The Business & Consumer Affairs Subcommittee reported the following favorably:  
CS/HB 929 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 929 was laid on the table.

The Finance & Tax Committee reported the following favorably:  
HB 1005 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1005 was laid on the table.

The Finance & Tax Committee reported the following favorably:  
HB 1291 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1291 was laid on the table.

The K-20 Competitiveness Subcommittee reported the following favorably:  
HB 1403 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1403 was laid on the table.

The Health & Human Services Quality Subcommittee reported the following favorably:  
HB 1419 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1419 was laid on the table.



# JOURNAL OF THE HOUSE OF REPRESENTATIVES

## DAILY INDICES FOR

February 3, 2012

### NUMERIC INDEX

CS/HJR 93 .....	466	HB 903 .....	467
CS/HB 95 .....	466	CS/CS/HB 929 .....	464
CS/CS/CS/HB 107 .....	461	CS/HB 929 .....	467
CS/CS/HB 107 .....	466	HJR 931 .....	466
CS/HB 241 .....	461	HB 959 .....	466
HB 241 .....	466	CS/HB 1005 .....	464
HB 317 .....	466	HB 1005 .....	467
CS/CS/HB 319 .....	462	HB 1061 .....	466
CS/HB 319 .....	466	HB 1083 .....	466
HB 347 .....	466	CS/HB 1099 .....	466
CS/HB 355 .....	466	HB 1209 .....	466
CS/HB 365 .....	466	CS/HB 1291 .....	464
CS/HB 367 .....	466	HB 1291 .....	467
CS/CS/CS/CS/HB 503 .....	462	CS/HB 1357 .....	466
CS/CS/CS/HB 503 .....	467	CS/HB 1403 .....	464
CS/HB 517 .....	466	HB 1403 .....	467
CS/HB 525 .....	463	CS/HB 1419 .....	464
HB 525 .....	467	HB 1419 .....	467
CS/HB 529 .....	467	HR 1447 .....	466
HB 597 .....	466	HB 1513 .....	460
CS/HB 615 .....	463	CS/HB 7027 .....	466
HB 615 .....	467	HB 7049 .....	466
CS/HB 643 .....	467	HB 7091 .....	460
HB 649 .....	466	HB 7093 .....	460
CS/HB 681 .....	463	HB 7095 .....	460
HB 681 .....	467	HR 9045 .....	461
CS/CS/HB 769 .....	464	HR 9047 .....	461
CS/HB 769 .....	467	HR 9049 .....	461
CS/HB 903 .....	464		

### SUBJECT INDEX

Cosponsors .....	466	Introduction and Reference .....	460
First Reading of Committee and Subcommittee Substitutes by		Reference .....	466
Publication .....	461	Reports of Standing Committees and Subcommittees .....	466
First-named Sponsors .....	466		